

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
AT WHEELING**

PATRICK D. LEGGETT, *et al*,

Plaintiffs,

v.

**CIVIL ACTION NO. 1:13-cv-0004 FPS
Honorable Frederick P. Stamp, Jr.**

EQT PRODUCTION COMPANY, *et al*,

Defendants.

JOINT MOTION FOR STAY OF PROCEEDINGS

The parties to this action, by counsel, jointly move this Court for the entry of an Order staying these proceedings pending the approval of the proposed class settlement that is pending in a separate case also before the U.S. District Court for the Northern District of West Virginia styled, *The Kay Company, et al. v. EQT Production Company, et al.*, Civil Action No. 1:13cv151 (“*Kay Company*”). In support of this Motion, the parties state as follows:

1. As this Court is aware, *Kay Company* was certified as a class action upon the plaintiffs’ request in that case and that Court’s Order dated September 6, 2017 (*Kay Company*, ECF 400). Counsel for Plaintiffs here is also counsel for the plaintiffs and class counsel in *Kay Company*.

2. The parties in *Kay Company* have agreed to a settlement of the plaintiffs’ class action in that case, the terms of which must be approved by the Court in that case.

3. Plaintiffs contend that they are members of the class certified in *Kay Company* and have filed a “Motion to Transfer [their claims in this] Case” (ECF 293) to *Kay Company* which is presently pending before this Court. Defendant EQT Production Company, the sole

remaining Defendant in this action, has opposed Plaintiffs' Motion for the reasons set forth in their "Memorandum in Opposition to Plaintiffs' Motion to Transfer Case" (ECF 300).

4. The parties request a stay of the proceedings in this case, including a stay of any rulings on motions presently pending before this Court, pending the approval of the class settlement in *Kay Company*.

5. A stay of these proceedings pending approval of the class settlement in *Kay Company* is proper and necessary. It is well-settled that "federal district courts possess the ability to, under their discretion, stay proceedings before them when the interests of equity so require." *United States v. Travelers Causley and Surety Company of America*, No. 1:13-CV-240, 2014 WL 4748489 *10, -- F. Supp. 3d -- (N.D. W. Va. Sept. 23, 2014), *citing*, *Williford v. Armstrong World Indus., Inc.*, 715 F.2d 124, 125 (4th Cir. 1983). This Court's power to "stay proceedings is incidental to the power inherent ... to control the disposition of the causes on [the] docket with economy of time and effort for [the court], for counsel, and for litigants." *Giles v. ICG, Inc.*, 789 F.Supp.2d 706, 711 -712 (S.D.W. Va. 2011), *quoting*, *Landis v. N. Am. Co.*, 299 U.S. 248, 254 (1936).

6. Here, a stay of the proceedings in this action, pending approval of the class settlement in *Kay Company* is undoubtedly in the interest of judicial economy. Plaintiffs contend that they are members of the class certified in *Kay Company* and approval of the class settlement by the Court in that case will be determinative of disputed issues between the parties here. Further, a stay of these proceedings is proper in that it will avoid the costs and expense of preparing and filing further pleadings, if necessary, and/or a possible hearing(s) regarding the motions presently pending before this Court; preparing and filing other pretrial motions; and, conducting other tasks necessary to prepare this case for a trial that would be expected to last

several days, all of which will likely be unnecessary upon the approval of the class settlement in *Kay Company*.

WHEREFORE, for the reasons stated herein, Plaintiffs and Defendants, by their respective counsel, request that this Court enter an Order directing that the proceedings in this case, including pending motions before this Court, shall be stayed pending the rulings in *Kay Company* regarding the approval of the class settlement reached by the parties in that case.

Respectfully submitted,

/s/ David K. Hendrickson 01/31/2019

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CERTIFICATE OF SERVICE

I, David K. Hendrickson, counsel for Defendants, do hereby certify that on the **31st day of January, 2019**, I have served true and exact copies of the foregoing **“JOINT MOTION FOR STAY OF PROCEEDINGS”** using the CM/ECF system which will send notification of such filing and provide an electronic copy of the same to the following CM/ECF participants:

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